

REMARKS/ARGUMENTS

Applicants' representative would like to thank Examiner Tran for the courteous and helpful discussion of the issues in the present application on October 15, 2003. The above amendments and following remarks summarize and further expand on the content of that discussion.

The present invention relates to a keratotic plug remover, a sheet pack comprising the same and a method for removing keratotic plugs using the keratotic plug remover or sheet pack. The keratotic plug remover of the present invention comprises a polymer (A) having sulfonic or sulfate groups or salts thereof, and a nonionic polymer (B), wherein both polymers are soluble in water and present in a mixing ratio of (A):(B) of from 30:70 to 70:30. Applicants have found that by using the specified combination of polymers in the specified ratios, one can obtain superior plug removal that is relatively insensitive to the humidity level of the environment during use. Further, Claim 1 has now been amended to exclude poly-2-acrylamide-2-methylpropane sulfonate (AMPS) from the claimed subject matter. This amendment is supported by the specification which lists various polymers suitable as component (A) of the claimed invention, among which is AMPS. Since Applicants are permitted to exclude specific embodiments, particularly when those specific embodiments are listed in the specification, the amendment presents no new matter.

Claims 1-13 and 19 stand rejected under 35 U.S.C. 102(b) over Uemura et al. Uemura et al neither anticipates nor makes obvious the sheet pack as claimed comprising a blend of polymers (A) and (B) in a ratio of 30:70 to 70:30. Uemura et al disclose a polymer keratotic plug remover composition and sheet pack comprising a polymer composition. However, Uemura et al do not recite the particular combination of polymers of the present invention, wherein the composition is a polymer mixture of a sulfonic or sulfate group containing polymer with a nonionic polymer, nor the specific ratio of mixing for the two

polymers. The disclosure of Uemura et al contains a large list of polymers beginning at about column 2, line 4. This disclosure contains a multitude of different embodiments. However, there is no description of a combination of a polymer having sulfonic or sulfate groups or salts thereof, with a nonionic polymer, where the polymers are combined in the claimed ratios. The closest example of Uemura appears to be composition 9 of Table 6 which shows a product made from a mixture of poly 2-acrylamide-2-methylpropane sulfonate (AMPS) and polyvinyl alcohol in a ratio of 20:5, respectively. This translates to a mixing ratio of 80:20, clearly outside the range of the present invention. Further, since claim 1 has now been amended to exclude AMPS as a possibility for the component (A), Uemura et al cannot anticipate the present invention. Accordingly, the Uemura et al reference does not anticipate the present claims and the rejection should be withdrawn.

Various claims stand rejected under 35 U.S.C. 103 over Uemura et al, either alone or in combination with Ishida et al. These references do not render the present invention obvious, as neither provides any teaching or suggestion to combine the claimed polymers in the claimed mixing ratio, nor any suggestion of the advantages of doing so. Uemura et al has been discussed above. Ishida et al does not overcome the deficiencies of Uemura. In particular the Examiner has used Ishida in order to show a sheet pack construction. However, as noted above, Uemura also discloses sheet packs using polymers. Applicants wish to thank Examiner Tran for the clarification of the Examiner's position regarding Uemura, particularly the indication that the comments in the Office Action about teaching of a sheet or film. As noted during the discussion of October 5, Uemura does discuss preparation of sheet packs and specifically discloses the placement of the compositions on such substrates at column 5, lines 12-15, for example. The Examiner clarified that it is the Examiner's position that Uemura does not teach the water content of claims 17 and 18 for the composition itself. Ishida makes no suggestion regarding the particular mixture of polymers of the present

invention, nor to the improvement in keratotic plug removal with increased humidity that results in the present invention.

At page 14 of the present specification, Applicants have provided data which show that the present composition and sheet pack provides keratotic plug removal at both moderate and high humidity that is significantly improved compared to the use of a single polymer or combinations of PQDM/PVP or PQDM/PVA. Omitting consideration of Example 5 (due to the present deletion of AMPS as polymer (A), Applicants have shown in the data of the present specification, that even when the ratio of polymers falls within the proper range, when the polymers are not as specified in the present claims, the plug removal is significantly deteriorated at higher humidities (see Comparative Examples 3 and 6 vs. Exs. 1-4, 11 and 12). Further, when the individual sulfonic or sulfate group containing polymers or nonionic polymers are used alone, a deterioration of plug removal is found at higher humidity. However, when the polymers are selected as claimed and the mixing ratio is as claimed, one observes improved plug removal over a range of humidity levels. This is nowhere taught by the cited art. The Examiner has suggested that this is not dispositive of patentability since the humidity limitation is not present in the present claims. However, it is not required that Applicants insert a limitation into the claims related to the property by which unexpected properties are shown. In fact, according to In re Chu, 66 F.3d 292, 36 U.S.P.Q.2d 1089 (Fed. Cir. 1995), the Federal Circuit pointed out that it is not necessary for the specification to include mention of the advantage or property being relied upon to show surprising results. It therefore logically flows that Applicants cannot be required to insert such a limitation into the claims, since such a requirement could introduce new matter if the advantage was not set forth in the specification. (Applicants do note however, that in the present case, the advantage is shown in the specification as set forth at page 14 in the data.)

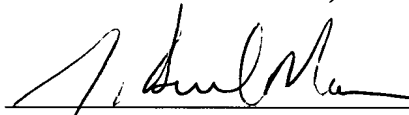
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Accordingly, the combination of Uemura and Ishida do not render the present claims obvious. Even if the Examiner maintains otherwise, the data in the specification is sufficient to establish that the claimed invention would not have been obvious. The rejection should be withdrawn.

Applicants submit that the application is now in condition for allowance and early notification to such effect is earnestly solicited.

Respectfully submitted,

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